

Court of Appeals, State of Michigan

ORDER

ROSEANNE J TRANDELL V THE VILLAGE CLUB

Docket No. 286429

LC No. 07-000242

Pat M. Donofrio
Presiding Judge

Kathleen Jansen

Henry William Saad
Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the June 4, 2008 opinion and order of the Workers' Compensation Appellate Commission is REVERSED to the extent it concludes that defendants were not entitled to an offset for unemployment benefits paid to plaintiff. The Commission's finding was unsupported by any evidence and directly contrary to the undisputed evidence and stipulations on the record establishing that plaintiff received unemployment benefits for 39 weeks following her last date of work at a rate of \$362 per week and that there was no dual employment. There is no question that plaintiff's receipt of unemployment benefits covered the identical time period she was awarded disability benefits. Since defendant was plaintiff's last employer and there was no dual employment, those benefits were chargeable to defendant alone. MCL 421.20(a), 421.19; *Corl v Huron Castings, Inc.*, 450 Mich 620, 638-639; 544 NW2d 278 (1996). Accordingly, defendant is entitled to an offset for those benefits under MCL 418.358.

In all other respects the application for leave to appeal is DENIED for lack of merit in the grounds presented.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 14 2008

Date

Sandra Schultz Mengel
Chief Clerk